

S/N 09/749,100

#4
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SHIGETOMI ET AL. Examiner: UNKNOWN
Serial No.: 09/749,100 Group Art Unit: 2651
Filed: DECEMBER 27, 2000 Docket No.: 14449.7US01
Title: STORAGE MEDIUM HAVING ELECTRONIC CIRCUITS, INFORMATION
MANAGEMENT METHOD AND INFORMATION PROCESSING SYSTEM
USING SAID STORAGE MEDIUM

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EV495869461US

Date of Deposit: February 2, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

By: 
Name: David Ortiz

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

FEB 08 2005

OFFICE OF PETITIONS

Dear Sir:

Applicants were notified that the above-identified application became abandoned on August 4, 2003 for failure to file a timely or proper reply to the Notice to File Missing Parts mailed on February 20, 2001 (copy enclosed). Applicants hereby file a Petition for Revival. Because this petition is more than one year after the mailing of the Notice of Abandonment, Applicants submit further information as to why there was delay in responding to the Notice of Abandonment. The entire delay in filing this petition (which is filed in lieu of a Request for Withdrawal of the Notice of Abandonment since the present petition is beyond two months from the mailing date of the Notice of Abandonment) from the date that Applicants filed the Response to the Notice to File Missing Parts was unintentional. The facts are listed below:

1. On February 20, 2001 a Notice to File Missing Parts of Nonprovisional Application was mailed to Applicants.

2. A response to the Notice to File Missing Parts was filed on April 2, 2001 by first class mail. A copy of the documents is enclosed. Also enclosed is a copy of a stamped return postcard indicating that the Patent Office received the documents on April 5, 2001.

3. On June 29, 2001 the foreign associate (Ohtsuka Patent Office) faxed a letter to Applicants' Representative which indicated that no further expenses on the above-identified application were to be incurred but to inform them of any developments which affect pendency (copy enclosed).

4. On August 4, 2003 Applicants received a Notice of Abandonment (copy enclosed) and because of the June 29, 2001 letter from the foreign associate it was not reported to the foreign associate or a Petition to Withdraw Holding of Abandonment was not filed.

5. On December 15, 2004 the foreign associate (now Fukuyama & Associates) faxed Applicants' Representative inquiring about the status of the above-identified file (copy enclosed).

6. On January 11, 2005 Applicants Representative responded to the fax by informing Fukuyama & Associates of the abandonment of the case and that the Notice of Abandonment was not reported out because of Ohtsuka's request to incur no further fees (copy enclosed).

7. On January 14, 2005 Fukuyama responded by instructing Applicants' Representative to revive the case (copy enclosed).

8. An Affidavit of Lisa Dorn is enclosed.

9. An Affidavit of Curtis B. Hamre is also enclosed.

The petition fee of \$750.00 for a small entity is enclosed.

REMARKS

Applicants believe that this application was abandoned in error. After a Notice of Abandonment was received, Applicants believe that due to an internal miscommunication, a Request to Withdraw or a Petition to Revive was not filed until the present.

A Notice to File Missing Parts was received by Applicant. A proper response was filed and a postcard evidencing receipt was received. A letter from the Ohtsuka Patent Office was faxed to the attorney of record at Merchant & Gould with instructions to incur no further expenses, but to inform the Ohtsuka Patent Office of any developments which effect the pendency of the application. A note was placed in the file management software (Prolaw) of Merchant & Gould indicating that no further expenses should be incurred with respect to this

case. The note did not indicate that the Ohtsuka Patent Office should be notified of any developments which effect the pendency of the case.

Over two years later, a Notice of Abandonment was received from the Patent Office. Based on the Affidavit of Lisa Dorn, it was her practice to review the notes in Prolaw, update the notes, and give the file to Curtis B. Hamre for action. According to the Affidavit of Curtis B. Hamre, he recalls seeing the Notice of Abandonment, but does not recall specifically his review actions. He believes he either reviewed the letter from the Ohtsuka Patent Office briefly, or reviewed the notes in Prolaw, or considered a note or oral comment from Lisa Dorn and then gave an instruction to Lisa Dorn. Mr. Hamre states that if he had been aware at that time of the instruction from the Ohtsuka Patent Office it was his practice that he would have informed them of any developments which effect the pendency of the case. That is, his instruction to Lisa Dorn would have been to send a copy of the Notice of Abandonment to the Ohtsuka Patent Office. Since that was not done, it is believed that no one at the time the Notice of Abandonment was received was consciously aware that a Notice of Abandonment should be forwarded to the Ohtsuka Patent Office. Since there was an instruction to incur no further fees, a Request for Withdrawal of Abandonment was not prepared.


It was not fully understood until January 14, 2005 by Fukuyama and Associates and also by the attorney of record at Merchant & Gould that the case should be pending and not abandoned. Since that time, Applicant has promptly gathered the facts and filed the present Petition for Revival. In this regard, Applicant again asserts that the entire delay in filing a response to the Notice of Abandonment was unintentional.

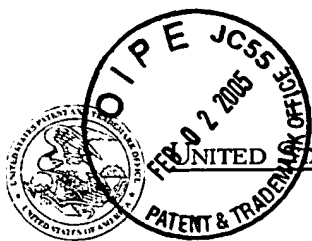
In light of the above information, Applicants respectively request revival of the above application. Please contact Applicants' Representative if there are any questions or if I can be of any further assistance.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 2-2-05


Curtis B. Hamre
Reg. No. 29,165
CBH:PLSkaw



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/749,100	12/27/2000	Takashi Shigetomi	8694.70US01

CONFIRMATION NO. 6256

ABANDONMENT/TERMINATION LETTER



OC000000010633598

23552
 MERCHANT & GOULD PC
 P.O. BOX 2903
 MINNEAPOLIS, MN 55402-0903

Date Mailed: 08/04/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/20/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: SHIGETOMI et al.

For: STORAGE MEDIUM HAVING ELECTRONIC CIRCUITS, INFORMATION
MANAGEMENT METHOD AND INFORMATION PROCESSING SYSTEM USING SAID STORAGE
MEDIUM

Docket No.: 8694.70US01

Filed: 27 December 2000

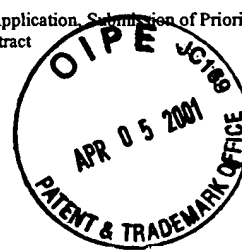
Serial No.: 09/479100

Due Date: 20 April 2001

Date Mailed: 2 April 2001

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Certified copy of a Japanese application, Serial No. 11-375143, filed 28 December 1999, the right of priority of which is claimed under 35 U.S.C. 119
- ☒ Small entity status has been previously established; Verified Statement is enclosed
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Check(s) in the amount of \$65.00 for missing parts fee
- ☒ Other: Notice to File Missing Parts of Nonprovisional Application, Submission of Priority Document, Submission of Supplemental Abstract and one-page abstract
- ☒ Return postcard

Patent



CBH/kdj

RECEIVED

FEB 08 2005

OFFICE OF PETITIONS

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: SHIGETOMI et al.

For: STORAGE MEDIUM HAVING ELECTRONIC CIRCUITS, INFORMATION
MANAGEMENT METHOD AND INFORMATION PROCESSING SYSTEM USING SAID STORAGE
MEDIUM

Docket No.: 8694.70US01

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- ☒ Return postcard

Patent

CBH/kj

Requestor:

Vendor # / Name: 1002 Commissioner of Patents

Check Date: 04/02/01

Check # 334946

VOUCHER INV. #

DATE

ACCT / DEPT#

MATTER #

AMOUNT PAID

504876 kjochman

04-02-01

265001 10100000

HARD DISB PYBL-MSP (EXP G/L)

08694.0070US01

65.00

Detach Statement Before Depositing Check

Total 65.00

CHECK FACE HAS A COLORED BACKGROUND ON WHITE PAPER

MERCHANT & GOULD

A Professional Corporation
An Intellectual Property Law Firm
3200 IDS Center (612) 432-5300
Minneapolis, MN 55402-2215

WELLS FARGO BANK, N.A.
Billings, MT 59101

No. 334946

Check Date: 04/02/2001

17-1-910

PAY SIXTY-FIVE AND 00/100 DOLLARS

CHECK AMOUNT
\$65.00

TO THE FOLLOWING

Merchant & Gould P.C.

Commissioner of Patents
and Trademarks

Alan W. Kowalsky

Two Signatures Required For Amounts Exceeding \$5,000

BACK OF DOCUMENT CONTAINS A SECURITY SLOGAN "ORIGINAL DOCUMENT" TO VERIFY AUTHENTICITY.

⑈334946⑈ ⑆092905168⑆ 4990019218⑈

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SHIGETOMI et al. Examiner: Unknown
Serial No.: 09/479100 Group Art Unit: 2651
Filed: 27 December 2000 Docket: 8694.70US01
Notice of Allow. Date: N/A Batch No.: N/A
Due Date: 20 April 2001
Title: STORAGE MEDIUM HAVING ELECTRONIC CIRCUITS, INFORMATION
MANAGEMENT METHOD AND INFORMATION PROCESSING SYSTEM USING SAID
STORAGE MEDIUM

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231, on 2 April 2001.

By: 
Kate Jochman

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Certified copy of a Japanese application, Serial No. 11-375143, filed 28 December 1999, the right of priority of which is claimed under 35 U.S.C. 119
- ☒ Small entity status has been previously established; Verified Statement is enclosed
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Check(s) in the amount of \$65.00 for missing parts fee
- ☒ Other: Notice to File Missing Parts of Nonprovisional Application, Submission of Priority Document, Submission of Supplemental Abstract and one-page abstract
- ☒ Return postcard

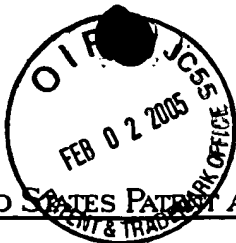
Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300



By: 

Name: Curtis B. Hamre
Reg. No.: 29,165
CBH/klj



UNITED STATES PATENT AND TRADEMARK OFFICE

CBH

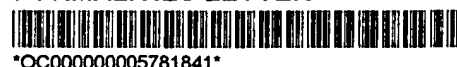
 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/749,100	12/27/2000	Takashi Shigetomi	8694.70US01 ✓

CONFIRMATION NO. 6256

 23552
 MERCHANT & GOULD
 P O BOX 2903
 MINNEAPOLIS, MN 55402-0903

FORMALITIES LETTER



OC00000005781841

Date Mailed: 02/20/2001

Dr Mparts 2 Apr 20, 2001
Mparts stat Aug 20, 2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An Abstract not to exceed 150 words in length, commencing on a separate sheet (37 CFR 1.72(b)).

A copy of this notice MUST be returned with the reply.

 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: STORAGE MEDIUM HAVING ELECTRONIC CIRCUITS, INFORMATION MANAGEMENT METHOD AND INFORMATION PROCESSING SYSTEM USING SAID STORAGE MEDIUM

The specification of which

a. ☐ is attached hereto

b. ☒ was filed on December 27, 2000 as application serial no. 09/749,100 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☐ no such applications have been filed.

b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Japan	11-375143	28 December 1999	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application. and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.	Reg. No. 40,481	Leon, Andrew J.	Reg. No. 46,869
Ali, M. Jeffer	Reg. No. 46,359	Leonard, Christopher J.	Reg. No. 41,940
Anderson, Gregg I.	Reg. No. 28,828	Liepa, Mara E.	Reg. No. 40,066
Batzli, Brian H.	Reg. No. 32,960	Lindquist, Timothy A.	Reg. No. 40,701
Beard, John L.	Reg. No. 27,612	Lycke, Lawrence E.	Reg. No. 38,540
Berns, John M.	Reg. No. 43,496	Mayfield, Denise L.	Reg. No. 33,732
Black, Bruce E.	Reg. No. 41,622	McDonald, Daniel W.	Reg. No. 32,044
Branch, John W.	Reg. No. 41,633	McIntyre, Jr., William F.	Reg. No. 44,921
Bremer, Dennis C.	Reg. No. 40,528	Mitchem, M. Todd	Reg. No. 40,731
Bruess, Steven C.	Reg. No. 34,130	Mueller, Douglas P.	Reg. No. 30,300
Byrne, Linda M.	Reg. No. 32,404	Nichols, A. Shane	Reg. No. 43,836
Campbell, Keith	Reg. No. P-46,597	Pauly, Daniel M.	Reg. No. 40,123
Carlson, Alan G.	Reg. No. 25,959	Phillips, Bryan K.	Reg. No. P-46,990
Caspers, Philip P.	Reg. No. 33,227	Phillips, John B.	Reg. No. 37,206
Chiapetta, James R.	Reg. No. 39,634	Prendergast, Paul	Reg. No. 46,068
Clifford, John A.	Reg. No. 30,247	Pytel, Melissa J.	Reg. No. 41,512
Coldren, Richard J.	Reg. No. 44,084	Qualey, Terry	Reg. No. 25,148
Daignault, Ronald A.	Reg. No. 25,968	Reich, John C.	Reg. No. 37,703
Daley, Dennis R.	Reg. No. 34,994	Reiland, Earl D.	Reg. No. 25,767
Dalglish, Leslie E.	Reg. No. 40,579	Samuels, Lisa A.	Reg. No. 43,080
Daulton, Julie R.	Reg. No. 36,414	Schmaltz, David G.	Reg. No. 39,828
DeVries Smith, Katherine M.	Reg. No. 42,157	Schuman, Mark D.	Reg. No. 31,197
DiPietro, Mark J.	Reg. No. 28,707	Schumann, Michael D.	Reg. No. 30,422
Edell, Robert T.	Reg. No. 20,187	Scull, Timothy B.	Reg. No. 42,137
Epp Ryan, Sandra	Reg. No. 39,667	Sebald, Gregory A.	Reg. No. 33,280
Glance, Robert J.	Reg. No. 40,620	Skoog, Mark T.	Reg. No. 40,178
Goggin, Matthew J.	Reg. No. 44,125	Spellman, Steven J.	Reg. No. 45,124
Golla, Charles E.	Reg. No. 26,896	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Gorman, Alan G.	Reg. No. 38,472	Sumner, John P.	Reg. No. 29,114
Gould, John D.	Reg. No. 18,223	Swenson, Erik G.	Reg. No. 45,147
Gregson, Richard	Reg. No. 41,804	Tellekson, David K.	Reg. No. 32,314
Gresens, John J.	Reg. No. 33,112	Trembath, Jon R.	Reg. No. 38,344
Hamer, Samuel A.	Reg. No. 46,754	Tuchman, Ido	Reg. No. 45,924
Hamre, Curtis B.	Reg. No. 29,165	Tunheim, Marcia A	Reg. No. 42,189
Harrison, Kevin C.	Reg. No. P-46,759	Underhill, Albert L.	Reg. No. 27,403
Hertzberg, Brett A.	Reg. No. 42,660	Vandenburgh, J. Derek	Reg. No. 32,179
Hillson, Randall A.	Reg. No. 31,838	Wahl, John R.	Reg. No. 33,044
Holzer, Jr., Richard J.	Reg. No. 42,668	Weaver, Karrie G.	Reg. No. 43,245
Johnston, Scott W.	Reg. No. 39,721	Welter, Paul A.	Reg. No. 20,890
Kadievitch, Natalie D.	Reg. No. 34,196	Whipps, Brian	Reg. No. 43,261
Karjeker, Shaikat	Reg. No. 34,049	Whitaker, John E.	Reg. No. 42,222
Kastelic, Joseph M.	Reg. No. 37,160	Wickhem, J. Scot	Reg. No. 41,376
Kettelberger, Denise	Reg. No. 33,924	Williams, Douglas J.	Reg. No. 27,054
Keys, Jeramie J.	Reg. No. 42,724	Withers, James D.	Reg. No. 40,376
Knearl, Homer L.	Reg. No. 21,197	Witt, Jonelle	Reg. No. 41,980
Kowalchyk, Alan W.	Reg. No. 31,535	Wu, Tong	Reg. No. 43,361
Kowalchyk, Katherine M.	Reg. No. 36,848	Xu, Min S.	Reg. No. 39,536
Lacy, Paul E.	Reg. No. 38,946	Zeuli, Anthony R.	Reg. No. 45,255
Larson, James A.	Reg. No. 40,443		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name SHIGETOMI	First Given Name Takashi	Second Given Name
0	Residence & Citizenship	City Miyagi-ken	State or Foreign Country Japan	Country of Citizenship Japan
1	Mailing Address	Address c/o Kabushiki Kaisha Optrom, 27, Kamiyashi- azamatsubara, Aoba-ku, Sendai-shi	City Miyagi-ken	State & Zip Code/Country Japan
Signature of Inventor 201:			Date: February 2nd, 2001	
2	Full Name Of Inventor	Family Name SAITO	First Given Name Tetsuo	Second Given Name
0	Residence & Citizenship	City Miyagi-ken	State or Foreign Country Japan	Country of Citizenship Japan
2	Mailing Address	Address c/o Kabushiki Kaisha Optrom, 27, Kamiyashi- azamatsubara, Aoba-ku, Sendai-shi	City Miyagi-ken	State & Zip Code/Country Japan
Signature of Inventor 202:			Date: 21 Feb / 2001	
2	Full Name Of Inventor	Family Name YOKOTA	First Given Name Eiji	Second Given Name
0	Residence & Citizenship	City Miyagi-ken	State or Foreign Country Japan	Country of Citizenship Japan
3	Mailing Address	Address c/o Kabushiki Kaisha Optrom, 27, Kamiyashi- azamatsubara, Aoba-ku, Sendai-shi	City Miyagi-ken	State & Zip Code/Country Japan
Signature of Inventor 203:			Date: 21 Feb / 2001	

SMALL BUSINESS

P 200 -0330 US

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- a) ☐ the owner of the small business concern identified below:
b) ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Kabushiki Kaisha Optrom
ADDRESS OF CONCERN: 27, Kamiyashi-azamatsubara
Aoba-ku, Sendai-shi
Miyagi-Ken
Japan

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.801-805, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled STORAGE MEDIUM HAVING ELECTRONIC CIRCUITS, INFORMATION MANAGEMENT METHOD AND INFORMATION PROCESSING SYSTEM USING SAID STORAGE MEDIUM by inventor(s) Takashi SHIGETOMI, Tetsuo SAITO, Eiji YOKOTA described in

- a) ☐ the specification filed herewith.
b) ☐ provisional application serial no. ___, filed ____.
c) ☒ non-provisional application serial no. 09/749,100, filed December 27, 2000.
d) ☐ patent no. ___, issued ____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

NAME: _____
ADDRESS: _____
a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

NAME: _____
ADDRESS: _____
a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.27(g)(2))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME: Takashi SHIGETOMI
TITLE: President
ADDRESS: 27, Kamiyashi-azamatsubara, Aoba-ku, Sendai-shi, Miyagi-ken, Japan
SIGNATURE: Takashi Shigetomi Date: February 2nd, 2001



S/N 09/749100

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SHIGETOMI et al.	Examiner:	Unknown
Serial No.:	09/749100	Group Art Unit:	2651
Filed:	12/27/2000	Docket No.:	8694.70US01
Title:	STORAGE MEDIUM HAVING ELECTRONIC CIRCUITS, INFORMATION MANAGEMENT METHOD AND INFORMATION PROCESSING SYSTEM USING SAID STORAGE MEDIUM		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: BOX IDS Assistant Commissioner for Patents, Washington, D.C. 20231, on 2 April 2001.

By: 

Kate Jochman

SUBMISSION OF PRIORITY DOCUMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The Applicants enclose herewith one certified copy of a Japanese application, Serial No. 11-375143, filed 28 December 1999, the right of priority of which is claimed under 35 U.S.C. § 119.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: 2 April 2001

By: 

Curtis B. Hamre
Reg. No. 29,165

CBH/klj

(translation of the front page of the priority document of Japanese
Patent Application No. 11-375143)



PATENT OFFICE
JAPANESE GOVERNMENT

This is to certify that the annexed is a true copy of the following
application as filed with this Office.

Date of Application: December 28, 1999

Application Number : Patent Application 11-375143

Applicant(s) : KABUSHIKI KAISHA OPTROM

February 23, 2001

Commissioner,
Patent Office

Kouzo OIKAWA

RECEIVED
FEB 08 2005
OFFICE OF PETITIONS

Certification Number 2001-3008263

日 本 国 特 許 庁
PATENT OFFICE
JAPANESE GOVERNMENT

別紙添付の書類に記載されている事項は下記の出願書類に記載されている事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed with this Office.

出 願 年 月 日
Date of Application:

1999年12月28日

出 願 番 号
Application Number:

平成11年特許願第375143号

出 願 人
Applicant(s):

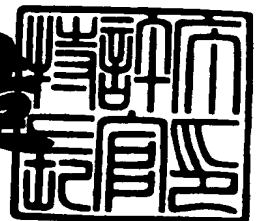
株式会社オプトロム

BEST AVAILABLE COPY

2001年 2月23日

特許庁長官
Commissioner,
Patent Office

及 川 耕 造



出証番号 出証特2001-3008263



S/N 09/749100

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SHIGETOMI et al.	Examiner:	Unknown
Serial No.:	09/749100	Group Art Unit:	2651
Filed:	12/27/2000	Docket No.:	8694.70US01
Title:	STORAGE MEDIUM HAVING ELECTRONIC CIRCUITS, INFORMATION MANAGEMENT METHOD AND INFORMATION PROCESSING SYSTEM USING SAID STORAGE MEDIUM		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: BOX IDS Assistant Commissioner for Patents, Washington, D.C. 20231, on 2 April 2001.

By: Kate Jochman

Kate Jochman

SUBMISSION OF SUPPLEMENTAL ABSTRACT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 CFR 1.72(b), Applicants enclose a supplemental abstract of less than 150 words. Please replace this document with that originally filed on 27 December 2000.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: 2 April 2001

By: Curtis B. Hamre

Curtis B. Hamre
Reg. No. 29,165

CBH/klj

PATENTS TRADE MARKS & DESIGNS

OHTSUKA PATENT OFFICE

7th FL., SHUWA KIOICHO PARK BLDG.
3-6, KIOICHO, CHIYODA-KU
TOKYO 102-0094, JAPAN

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TELEPHONE : +81-3-5276-3241
E-MAIL ADDRESS: opt@patest.co.jp

VIA FACSIMILE

June 29, 2001

Mr. Curtis B. Hamre
Merchant & Gould
3200 IDS Center
80 South Eight Street
Minneapolis, Minnesota 55402-2215
U.S.A.

ACKNOWLEDGED
WITH THANKS
CBH/cmr

Re: All pending applications in the name of
Kabushiki Kaisha OPTROM
U.S. Patent Application No. 09/001,139, et al.
Your Ref.: M&G 8694.44-US-01, et al.
Our Ref.: OPT 101, et al.

8694.44 US 01

Dear Mr. Hamre:

With regard to all patent applications in the name of Kabushiki Kaisha OPTROM, please do not incur any expenses unless you receive any other instructions. However, we would like to ask you to simply inform us of any developments which affect the pendency of the applications without any expenses.

Please kindly acknowledge the receipt of this instruction letter by return facsimile.

Very truly yours,

Yasunori Ohtsuka

By MK

MK/an

FUKUYAMA & ASSOCIATES
501 Flextower Yokohama Kannai
2-21-1, Sumiyoshi-cho, Naka-ku
Yokohama 231-0013
JAPAN

TEL. : (45)661-2917
FAX. : (45)661-2890

December 15, 2004

VIA FACSIMILE

Mr. Curtis B. Hamre
MERCHANT & GOULD
3200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota
55402-2215
U. S. A

RECEIVED WITH THANKS
Our Ref. *Calme*

Re: U. S. Patent Application Serial No. 09/749100

Your Ref : 8694.70-US-01

Our Ref : P200-0330US (ID113)

Please note!
1449.70US01

Dear Mr. Curtis B. Hamre:

Please advise us of the present status of this case by return facsimile since the last communication with you for this case is your letter of April 2, 2001 informing the filing the Combined Declaration and Power of Attorney and so long time has passed.

Thank you for your kindly effort on this case.

Please acknowledge receipt of this facsimile letter by return facsimile.

Very truly yours,

Masahiro Fukuyama
Masahiro Fukuyama

Merchant & Gould

An Intellectual Property Law Firm

3200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota
55402-2215 USA

Tel 612.332.5300
Fax 612.332.9081

www.merchant-gould.com

Direct Contact

612.336.4722
chamre@merchant-gould.com

A Professional Corporation

January 11, 2005

SENT VIA FACSIMILE ONLY: 81 45 661 2890/ 2 PAGES

Mr. Masahiro Fukuyama
FUKUYAMA & ASSOCIATES
501 Flextower Yokohama Kannai
2-21-1, Sumiyoshi-cho, Naka-ku
Kanagawa 231-0013
JAPAN

Re: M&G 14449.7US01
Your Ref. No. P200-0330US
Application No. 09/749100
STORAGE MEDIUM HAVING ELECTRONIC CIRCUITS, INFORMATION
MANAGEMENT METHOD AND INFORMATION PROCESSING SYSTEM USING
SAID STORAGE MEDIUM

Dear Mr. Fukuyama:

This letter is in response to your facsimile letter of December 15, 2004.

You inquired about the status of this patent application, serial no. 09/749100. We have placed a new reference number on this matter, which is 14449.7US01. Please take note of the number. This case is abandoned. The facts are as follows:

1. A "Notice to File Missing Parts of Non-Provisional Application" was mailed February 20, 2001. A response was due April 20, 2001.
2. The Combined Declaration and Power of Attorney, Small Entity Status, Certified Copy of Priority Japanese Application, and necessary fees were all filed April 2, 2001. Apparently, these were lost at the U.S. Patent Office.

Minneapolis/St. Paul
Denver
Seattle
Atlanta
Washington, D.C.

January 11, 2005
Page 2

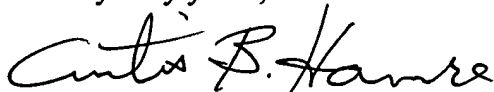
3. A Notice of Abandonment was mailed August 4, 2003, indicating that there was a "Failure to Timely or Properly Reply to the Notice to File Missing Parts".

4. Since a letter had been received from the Ohtsuka Patent Office on June 29, 2001, "to not incur any expenses with respect to the OPTRON cases", a notice of abandonment was never reported and nothing has been done.

If you wish to revive this case, we will have to proceed to do so as soon as possible. It will require a payment of unintentional revival fees and likely a statement of the facts explaining why this case was unintentionally abandoned and not attempted to be revived until now.

We look forward to receiving your further comments on this.

Very truly yours,

A handwritten signature in black ink, appearing to read "Curtis B. Hamre". The signature is fluid and cursive, with the first name "Curtis" and last name "Hamre" clearly distinguishable.

Curtis B. Hamre
CBH/LAD
Enclosure: Notice of Abandonment

FUKUYAMA & ASSOCIATES
501 Flextower Yokohama Kannai
2-21-1, Sumiyoshi-cho, Naka-ku
Yokohama 231-0013
JAPAN

TEL : (45)661-2917
FAX : (45)661-2890

January 14, 2005

VIA FACSIMILE

Mr. Curtis B. Hamre
MERCHANT & GOULD
3200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota
55402-2215
U. S. A

RECEIVED WITH THANKS
Our Ref. 14449.7US01
Hamre

Re: U. S. Patent Application Serial No. 09/749100
Your Ref : 14449.7US01
Our Ref : P200-0330US (ID113)

Dear Mr. Curtis B. Hamre:

We have received your facsimile letter of January 11, 2005. We are very surprised about your report on this case since we have never had information about the abandonment for this case, have no material of "Notice of Abandonment" and your letters about this case.

Please take a necessary action to revive this case as soon as possible and send materials such as letters sent to Ohtsuka Patent Office from your office which are necessary for explaining this situation to our client. As was informed in the previous letters, U. S. patent applications of these cases (handled in our office) are now very important for the client and the unintentional abandonment can not be accepted.

Thank you for your kindly effort on this case.

Please acknowledge receipt of this facsimile letter by return facsimile.

Very truly yours,


Masahiro Fukuyama

PROLAW